

Message

From: Ramanauskas, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6492DDC4240C482B891D9F48B06E17F6-PRAMANAU]
Sent: 1/31/2019 7:01:49 PM
To: Steketee, John [steketee.john@epa.gov]; Arrazola, Ignacio [arrazola.ignacio@epa.gov]; Mendoza, Stephen [mendoza.stephen@epa.gov]
CC: Beedle, Michael [beedle.michael@epa.gov]; Jose Cisneros [Cisneros.Jose@epa.gov]
Subject: RE: Draft MKC TSCA Coordinated Approval Letter & Conditions

Hi all,

Circling back to this project and email chain below. With respect to sharing a draft of the approval and conditions with MKC, I only see 3 items in our conditions that differ from the Settlement conditions and the subsequent additional actions that MKC agreed to in responses to EPA comments:

- 1) Requiring that MKC include the evaluation of a hydraulic control option as part of any remedial action options report developed under the requirements of the Stipulation.
- 2) Requiring MKC collect a water sample from the rain garden outfall after they complete excavation of soils under a plan submitted to WDNR in 2018 (they may have already completed this excavation).
- 3) Implementing a Risk Mitigation Plan to communicate chemical risks and mitigation requirements to construction workers.

I don't see them really balking at any of these so I suppose we can proceed with issuing the approval.

Ex. 5 Deliberative Process (DP)

Let us know if you would like to discuss.

Thanks,
Peter

From: Steketee, John
Sent: Friday, December 14, 2018 2:07 PM
To: Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Mendoza, Stephen <mendoza.stephen@epa.gov>; Ramanauskas, Peter <ramanauskas.peter@epa.gov>
Cc: Beedle, Michael <beedle.michael@epa.gov>
Subject: Re: Draft MKC TSCA Coordinated Approval Letter & Conditions

Peter can weigh in on this, but by experience is that it depends on the type of approval. For example, for a TSCA PCB commercial landfill approval or a coordinate approval for a storage facility that is not deferring to an underlying settlement or RCRA permit, i.e. where we need to add numerous additional TSCA conditions, we may share a draft with the applicant for comment, to make sure we have, for example, properly identified the applicant, the site, the operator(s), corporate contacts, sampling or testing criteria, etc. For less complicated risk based approvals, we typically just issue them with the additional conditions we deem necessary without providing the applicant with the draft approval or letter. In this case,

I see this being more like a simple risk based approval, because of the limited conditions, even though it is a coordinated approval. But I will defer to LCD as how they wish to handle this. Thx.

From: Arrazola, Ignacio
Sent: Friday, December 14, 2018 1:46:50 PM
To: Mendoza, Stephen; Steketee, John; Ramanauskas, Peter
Cc: Beedle, Michael
Subject: RE: Draft MKC TSCA Coordinated Approval Letter & Conditions

What is the usual practice? Do we typically share drafts of TSCA PCB approval letters with the applicant?

I agree that MKC will view sharing of the draft letter as an invitation to negotiate its terms which we may not want at this point. (On the other hand, if the approval contains conditions that MKC will balk at and challenge through elevation or otherwise – it may be helpful to know that before the document goes final). If I'm not mistaken Cathy Stepp was recused (I will check on the status of the recusal since some matters were only a year-long recusal).

Ex. 5 Attorney Client (AC)

From: Mendoza, Stephen
Sent: Friday, December 14, 2018 1:18 PM
To: Steketee, John <steketee.john@epa.gov>; Ramanauskas, Peter <ramanauskas.peter@epa.gov>
Cc: Beedle, Michael <beedle.michael@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>
Subject: RE: Draft MKC TSCA Coordinated Approval Letter & Conditions

I concur with John's advice.

Stephen Mendoza

Stephen P. Mendoza, Section Chief
 Office of Regional Counsel, Region 5



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From: Steketee, John
Sent: Friday, December 14, 2018 1:13 PM
To: Ramanauskas, Peter <ramanauskas.peter@epa.gov>
Cc: Beedle, Michael <beedle.michael@epa.gov>; Mendoza, Stephen <mendoza.stephen@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>
Subject: Re: Draft MKC TSCA Coordinated Approval Letter & Conditions

Peter:

Ex. 5 Attorney Client (AC)

-John

From: Ramanauskas, Peter
Sent: Friday, December 14, 2018 10:06:43 AM
To: Steketee, John
Cc: Beedle, Michael
Subject: Draft MKC TSCA Coordinated Approval Letter & Conditions

John/Mike,

Attached is an updated draft approval for MKC.

Please review and let me know if you have any comments or thoughts on whether we should share a draft with MKC in case they have questions on our approval conditions versus what the Stipulation requires.

Thanks,
Peter